



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

SYNOPSIS OF EMERGENCY REGULATIONS

The following document provides synopses of emergency regulations received by the AELR Committee on the dates noted below. Please contact the issuing agency for copies of the text of emergency regulations. For more information, please contact Marie Razulis or Evan Isaacson at the number below.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
May 8, 2015	Emergency/Proposed Regulation DLS Control No. 15-065 Maryland State Lottery and Gaming Control Agency: Table Games: Five-card Omaha Poker; Procedures for Dealing; Completion of Play: COMAR 36.05.06.08 This is a table game regulation that the Maryland Lottery and Gaming Control Commission needs to have in place		

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	before table game procedures for placing bets during Poker games can be changed		
May 6, 2015	<p>Emergency Regulation DLS Control No. 15-064 Department of Natural Resources: Boating--Speed Limits and Operation of Vessels: Personal Watercraft: COMAR 08.18.02.03, .04, .05, and .06</p> <p>This renewed request is to ensure safe operation of a type of vessel new to Maryland waters known, generally, as "jet pack" or "jet propelled" vessels. The Department of Natural Resources (DNR) requests the reimplementation of the 2014 emergency regulation regarding the personal and professional use of these vessels to allow commercial livery operators the opportunity to continue with their business plan for the summer of 2015 and simultaneously study the effects of the vessels on the waters of the State.</p>		
May 6, 2015	<p>Emergency Regulation DLS Control No. 15-063 Department of Natural Resources: Boating--Speed Limits and Operation of Vessels: Deep Creek Lake: COMAR 08.18.33.02</p> <p>This renewed request is to ensure safe operation of a type of vessel new to Maryland waters known, generally, as "jet pack" or "jet propelled" vessels. The Department of Natural Resources (DNR) requests the reimplementation of the 2014 emergency regulation regarding the personal</p>		

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May 6, 2015	<p>Emergency Regulation DLS Control No. 15-062 Department of Natural Resources: Boating--Speed Limits and Operation of Vessels: Chesapeake Bay: COMAR 08.18.07.02</p> <p>The Maryland Natural Resources Police (NRP) are dealing with a large number of motorized vessels entering the Bathing Beach Zones at Sandy Point State Park. Currently, there are no regulations restricting vessel access and protecting swimmers from motorized vessels in these areas. The new regulation will give the NRP legal recourse to handle these motorized vessels as needed.</p>		
May 6, 2015	<p>Emergency Regulation DLS Control No. 15-061 Department of Natural Resources: Boating: Boat Livery Operation: COMAR 08.04.08.01, .02, .03, and .04</p> <p>This renewed request is to ensure safe operation of a type of vessel new to Maryland waters known, generally, as "jet pack" or "jet propelled" vessels. The Department of Natural Resources (DNR) requests the reimplementation of the 2014 emergency regulation regarding the personal</p>		

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	and professional use of these vessels to allow commercial livery operators the opportunity to continue with their business plan for the summer of 2015 and simultaneously study the effects of the vessels on the waters of the State.		
May 6, 2015	<p>Emergency Regulation DLS Control No. 15-060 Department of Natural Resources: Boating--Speed Limits and Operation of Vessels: JetPack Vessel: COMAR 08.18.40.01, .02, .03, .04, .05, .06, and .07</p> <p>This renewed request is to ensure safe operation of a type of vessel new to Maryland waters known, generally, as "jet pack" or "jet propelled" vessels. The Department of Natural Resources (DNR) requests the reimplementation of the 2014 emergency regulation regarding the personal and professional use of these vessels to allow commercial livery operators the opportunity to continue with their business plan for the summer of 2015 and simultaneously study the effects of the vessels on the waters of the State.</p>		
April 17, 2015	<p>Emergency/Proposed Regulations DLS Control No. 15-051 Department of the Environment: Air Quality: Control of NOx Emissions from Coal-Fired Electric Generating Units: COMAR 26.11.38.01-.05</p> <p>The purpose of the Emergency Action is to obtain reductions in nitrogen dioxide NOx emissions during the</p>		Emergency status beginning May 1, 2015 and expiring October 26, 2015.

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	<p>2015 ozone season. The Baltimore region must attain the federal ozone air quality standard by 2017. Air Quality monitoring data from ozone seasons in 2015, 2016 & 2017 will be used to determine whether the region has complied with the ozone standard. These NOx emission reductions are critical to reduce ozone levels this summer. Lower ozone levels and NOx emission levels have significant public health benefits.</p>		
<p>April 16, 2015</p>	<p>Emergency Regulation DLS Control No. 15-050 Maryland State Lottery and Gaming Control Agency: Table Games: Five-card Omaha Poker; Procedures for Dealing; Completion of Play: COMAR 36.05.06.21</p> <p>According to the agency, these are table game regulations that the Maryland Lottery and Gaming Control Commission needs to have in place before it can allow a facility operator to offer this type of table game or change the rules of the table game operations</p>		<p>Emergency status beginning May 12, 2015 and expiring August 28, 2015.</p>
<p>April 16, 2015</p>	<p>Emergency/Proposed Regulations DLS Control No. 15-048 Maryland State Lottery and Gaming Control Agency: Table Games: Three Card Poker Rules: COMAR 36.05.14.12</p> <p>According to the agency, these are table game regulations that the Maryland Lottery and Gaming Control Commission needs to have in place before it can allow a</p>		<p>Emergency status beginning May 12, 2015 and expiring July 29, 2015.</p>

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	facility operator to offer this type of table game or change the rules of the table game operations		
March 24, 2015	<p>Emergency/Proposed Regulation DLS Control No. 15-038 Department of Health and Mental Hygiene: Board of Nursing: Delegation of Nursing Functions: COMAR 10.27.11.01</p> <p>The purpose of this proposal is to amend Regulation .01 so as to provide an exception for youth day camps from those settings where a Delegating Nurse Case Manager would ordinarily be required.</p>		
March 20, 2015	<p>Emergency/Proposed Regulations DLS Control No. 15-036 Department of Natural Resources: Fisheries Service: Striped Bass: COMAR 08.02.15.08, .09, .10</p> <p>Emergency status is requested because this action is necessary to implement management measures required by the Atlantic States Marine Fisheries Commission (ASMFC) to reduce the recreational harvest of striped bass during the Chesapeake Bay spring trophy and early/summer/fall seasons by 25% and 20.5%, respectively. In order to comply with this ASMFC mandate, regulations to curtail the harvest must be in effect by the start of the spring fishing season on April 18, 2015.</p>		Emergency status beginning April 14, 2015 and expiring October 11, 2015.

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March 20, 2015	<p>Emergency Regulation DLS Control No. 15-035 Department of Natural Resources: Fisheries Service: Striped Bass: COMAR 08.02.15.04</p> <p>The purpose of this action is to establish an additional declaration period for striped bass permit holders to declare their intent to participate in the 2015 Chesapeake Bay Individual Transferrable Quota Fishery. This action will expire on July 1, 2015 and will not affect future declaration periods.</p>		Emergency status beginning April 14, 2015 and expiring July 1, 2015.
March 12, 2015	<p>Emergency Regulation DLS Control No. 15-030 Department of Natural Resources: Fisheries Service: Oysters: COMAR 08.02.04.03</p> <p>Emergency status is requested because this action extends the commercial season for oysters two weeks, to end on April 14. This action has been requested due to heavy icing experienced throughout the Bay over the course of this winter that has resulted in a significant number of commercial oyster harvesters being unable to engage in the fishery. The extension of the season will allow these harvesters to make up for lost time.</p>		Emergency status beginning March 31, 2015 and expiring April 30, 2015.
February 13, 2015	<p>Emergency/Proposed Regulations DLS Control No. 15-015 Maryland State Lottery and Gaming Control Agency: Table Games: Five-card Omaha Poker; Procedures for Dealing; Completion of Play:</p>		

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	<p>COMAR 36.05.06.19, .20</p> <p>To begin allowing casinos to offer two new poker games: Five-Card Omaha Poker and Badugi Poker, and to establish procedures for dealing cards at these poker style games and determining completion of game play.</p>		
<p>December 18, 2014</p>	<p>Emergency Regulation DLS Control No. 14-443 Department of Natural Resources: Fisheries Service: Shellfish – General: COMAR 08.02.08.10</p> <p>Emergency status is requested because the Atlantic States Marine Fisheries Commission is requiring that states and jurisdictions within Lobster Conservation Management Areas (LCMA) 4 and/or 5 adopt regulations for the 2015 fishing season. Maryland state waters of the Atlantic Ocean are part of LCMA 5. The measures include opening the current February-March closure and removing the v-notching requirement, while implementing a later season closure. The emergency regulation is necessary in order to open the lobster season for February and March. If the emergency is not approved, Maryland lobster harvesters will have two season closures in 2015 when only one is necessary.</p>		
<p>December 5, 2014</p>	<p>Emergency/Proposed Regulations DLS Control No. 14-402 Maryland State Lottery and Gaming Control Agency: Table Games: Let It Ride Poker Rules:</p>		<p>Emergency status beginning March 6, 2015 and expiring June 20, 2015.</p>

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	<p>COMAR 36.05.18.01-.13</p> <p>The purpose of this action is to update the Regulations of the Maryland Lottery and Gaming Control Agency to reflect the addition of the new Let It Ride Poker game.</p>		
December 5, 2014	<p>Emergency/Proposed Regulations DLS Control No. 14-401 Maryland State Lottery and Gaming Control Agency: Table Games: Blackjack Rules: COMAR 36.05.04.02, .06, .13</p> <p>The purpose of this action is to update the Regulations of the Maryland Lottery and Gaming Control Agency to reflect the addition of the Lucky Lucky side wager to the Blackjack game.</p>		Emergency status beginning March 6, 2015 and expiring June 20, 2015.
November 24, 2014	<p>Emergency/Proposed Regulations DLS Control No. 14-366 Maryland Insurance Administration: Health Insurance – General: Continuity of Health Care Notice: COMAR 31.10.42.01-.04</p> <p>The purpose of this action is to provide a standard notice regarding continuity of health care as required by § 15-140 of the Insurance Article and to provide guidance on when the standard notice is required to be provided</p>		Emergency status beginning January 1, 2015 and expiring April 30, 2015.
November 24, 2014	<p>Emergency/Proposed Regulations DLS Control No. 14-369 Maryland Higher Education Commission:</p>		

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	<p>Academic Regulations: Academic Programs: Degree-Granting Institutions: COMAR 13B.02.03.03-1</p> <p>Regulations address issues related to community college degree offerings. Emergency status will be beneficial to address issue immediately, rather than waiting for several months</p>		
November 21, 2014	<p>Emergency Regulation DLS Control No. 14-361 Department of Labor, Licensing, and Regulation: Board of Cosmetologists: General Regulations: COMAR 09.22.01.13</p> <p>The Cosmetology Board must increase fees charged to candidates qualified to take the Senior cosmetologist; Cosmetologist; Esthetician; and Nail technician practical and theory licensing exams to cover the cost of the exams on a temporary basis. The fee increase is supported by the November 12, 2014 BPW Action Agenda item 4-S-MOD, which approved the contract modification to extend the current contract for administration of the examinations by six months, effective December 1, 2014. The incumbent vendor will continue to offer the examinations while the agency completes the new procurement for testing services, but will charge a higher amount for the examinations. The cost of the examinations will be reduced when the new contractor is in place. The new contract is scheduled to be presented to the Board of Public Works on January 7, 2015. This action will</p>		

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	provide the Board sufficient time to complete the procurement, and to approve new examination questions as well as a transition period for the new contractor. The anticipated date for the new testing company to begin offering examinations is April 2015.		
November 21, 2014	<p>Emergency Regulation DLS Control No. 14-360 Department of Labor, Licensing, and Regulation: Board of Barbers: General Regulations: COMAR 09.16.01.08</p> <p>The Barbers Board must increase fees charged to candidates qualified to take the Senior Barber and Barber practical and theory licensing exams on a temporary basis. The fee increase is supported by the November 12, 2014 BPW Action Agenda item 4-S-MOD contract modification, which approved the contract modification to extend the existing contract by six months at an increased cost, effective December 1, 2014. The incumbent vendor will continue to offer the examinations while the agency completes the new procurement for testing services, but will charge a higher amount for the examinations. The cost of examinations will be reduced when the new contractor is in place. The new contract is scheduled to be presented to the Board of Public Works on January 7, 2015. This action will provide the Board sufficient time to complete the procurement and to approve new examinations questions as well as a transition period for the new contractor. The anticipated</p>		Emergency status beginning December 18, 2014, and expiring May 30, 2015.

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	date for the new testing company to begin offering examinations is April 2015.		
October 22, 2014	<p>Emergency/Proposed Regulations DLS Control No. 14-311 Maryland State Lottery and Gaming Control Agency: Gaming Provisions: Video Lottery Facility Minimum Internal Control Standards: COMAR 36.03.10.07-.09, .18, .20, .24, .26-.28, .30, .32, .34, .35 Video Lottery Facility Minimum Internal Control Standards: COMAR 36.03.10.38, .41-.43, .49</p> <p>The purpose of this action is to update the Regulations of the Maryland Lottery and Gaming Control Agency to incorporate provisions that better refine the internal control standards for all video lottery facilities.</p>		
October 29, 2014	<p>Emergency/Proposed Regulations DLS Control No. 14-303 Maryland State Lottery and Gaming Control Agency: Table Games: Table Game Procedures: COMAR 36.05.03.03, .05, and .23</p> <p>To update the Regulations of the Maryland Lottery and Gaming Control Agency to incorporate provisions that better refine the procedures for table game operations.</p>		
October 14, 2014	<p>Emergency/Proposed Regulation DLS Control No. 14-300 Maryland State Lottery and Gaming Control Agency: Table Games: Table Game Equipment:</p>		

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	<p>COMAR 36.05.02.16</p> <p>The purpose of this action is to update the Regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better clarify the duties and responsibilities of a table games supervisor.</p>		
October 14, 2014	<p>Emergency/Proposed Regulation DLS Control No. 14-299 Maryland State Lottery and Gaming Control Agency: Video Lottery Terminals: Video Lottery Technical Standards: COMAR 36.04.01.20</p> <p>The purpose of this action is to update the Regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better refine the requirements and procedures for VLT operations.</p>		
October 14, 2014	<p>Emergency/Proposed Regulation DLS Control No. 14-298 Maryland State Lottery and Gaming Control Agency: Gaming Provisions: Video Lottery Operation License: COMAR 36.03.03.07</p> <p>The purpose of this action is to update the Regulations of the State Lottery and Gaming Control Agency to incorporate provisions that refine the withdrawal limits on automated teller machines at casinos.</p>		
October 14, 2014	<p>Emergency Regulation DLS Control No. 14-296</p>		<p>Emergency status beginning January 1, 2015, and expiring April 1, 2015.</p>

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	<p>State Board of Education: Child and Family Day Care: Child Care Subsidy Program: COMAR 13A.14.06.09</p> <p>On January 16, 2014, a Memorandum of Agreement between the Maryland State Department of Education and the Service Employees International Union was approved by Governor Martin O'Malley under which the State agreed to begin paying a 2.5% child care subsidy rate increase to licensed child care providers. Pursuant to the Memorandum of Agreement, this rate increase is to become effective January 1, 2015. This emergency action permits the rate increase to occur on that date.</p>		
October 8, 2014	<p>Emergency/Proposed Regulations DLS Control No. 14-291 Maryland Insurance Administration: Health Insurance--General: Continuity of Health Care Notice: COMAR 31.10.42.01-.04</p> <p>The purpose of this action is to provide a standard notice regarding continuity of health care as required by § 15-140 of the Insurance Article, and to provide guidance on when the standard notice is required to be provided.</p>		
September 29, 2014	<p>Emergency/Proposed Regulations DLS Control No. 14-278 Department of Planning: Historical and Cultural Programs: Sustainable Communities Tax Credit Certifications: COMAR 34.04.07.01-.08</p>		Emergency status beginning January 1, 2015 and expiring June 30, 2015.

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	<p>The purpose of this action is to clarify certain existing regulations and add and remove other regulations in order to conform the regulations to Chapter 601 of 2014, which removed certain requirements and added options for small commercial projects to receive Sustainable Communities Tax Credit Certifications.</p>		
<p>September 23, 2014</p>	<p>Re-emergency/Proposed Regulation DLS Control No. 14-275 Department of Labor, Licensing, and Regulation: Racing Commission: Prohibited Acts: COMAR 09.10.03.02</p> <p>The purpose of this action is to provide for additional sanctions on a licensed trainer who has accumulated a number of points for specific medication violations. The Association of Racing Commissioners International maintains a record of medication violations in racing jurisdictions so that state commissions can take this information into consideration in determining whether enhanced penalties should be imposed for subsequent violations. By adoption of this regulation, the Maryland Racing Commission will be part of the multi-state enforcement effort</p>		<p>Emergency status beginning January 1, 2015, and expiring May 31, 2015.</p>
<p>August 1, 2014</p>	<p>Emergency/Proposed Regulation DLS Control No. 14-221 Department of Health and Mental Hygiene: Board of Nursing: Practice of Clinical Nurse Specialist: COMAR 10.27.27.02</p>		<p>Emergency status beginning September 1, 2014, and expiring February 27, 2015.</p>

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	<p>The purpose of this emergency action is to extend the deadline from October 1, 2014, to no later than October 1, 2015, for clinical nurse specialists who are currently practicing and otherwise qualified, to allow them take the national certifying exam. Because the Board did not start certifying Clinical Nurse Specialists until July 22, 2014, the deadline should be extended so that everyone currently practicing without national certification will be able to qualify for State certification after taking and passing the national certifying exam.</p> <p>This emergency action is being requested because the deadline of October 1, 2104, was stipulated in COMAR 10.27.27.02D based on the assumption that the Board would start certifying individuals as Clinical Nurse Specialists on October 1, 2012. Practicing Clinical Nurse Specialists should be given an additional year after the Board commences issuing state certifications to allow them to take and pass the national certifying exam. National certification is a requirement for state certification.</p>		
July 29, 2014	<p>Emergency Regulation DLS Control No. 14-218 Department of Natural Resources: Wildlife: Forest Wildlife: COMAR 08.03.04.05</p> <p>The General Assembly passed into law a bill that allows hunters to carry a handgun for personal protection in western Maryland while bow hunting for deer. The deer</p>		Emergency status beginning October 1, 2014, and expiring February 28, 2015.

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	bow hunting season starts September 5, 2014. Current regulations are not in compliance with the new law		
July 29, 2014	<p>Emergency Regulation DLS Control No. 14-217 Department of Natural Resources: Wildlife: Open Seasons, Bag Limits for Game Birds and Game Animals: COMAR 08.03.03.01</p> <p>The General Assembly passed into law two bills that allow Sunday hunting in four counties to be established by regulation. Certain hunting seasons start in early September.</p>		
July 21, 2014	<p>Emergency/Proposed Regulation DLS Control No. 14-204 Department of Labor, Licensing, and Regulation: Office of Cemetery Oversight: Crematories-Permit and Registration Process and Fees: COMAR 09.34.06.14</p> <p>Prior to the issuance of a permit, the registered crematory operator for a crematory must complete the manufacturer's training on the cremation machine which will be used by the affiliated crematory. The current regulations do not permit a crematory to perform a cremation of human remains without first obtaining a permit. This emergency regulation will allow one cremation using human remains to be performed prior to receipt of a permit so that the manufacturer's training</p>		

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	requirement can be met by the registered crematory operator of a crematory. There are new crematories applying for permits, and the permits cannot be issued until the required training is complete.		